

**SPECIAL MEETING OF THE TOWN COUNCIL  
JUNE 17, 2019 AT 3:00 PM**

**MINUTES**

**In Attendance**

Town Council Members:

Mayor Langan, Vice Mayor Mais, Treasurer Bunting, Secretary Merritt, Council Member Carmean, Council Member Williams

Absent:

Council Member Lee

Staff in Attendance:

Town Manager Tieman, Town Clerk Martin

Audience:

Ray Fager, Mary Ellen Langan, Bill Weistling

Mayor Langan began the meeting at 3:00 PM, noting the reason for the short notice for today's meeting was just receiving the application for the Lighthouse Cove Marina and the need to notify DNREC of the Town's concerns by close of business tomorrow (June 18, 2019).

**Discussion**

Town Manager Tieman read the proposed application. She noted that DNREC confirmed that they allow 20% of the width of the water body to be used (in this case 12 feet).

Ray Fager commented that the area at the corner of Oyster Bay Drive is already very narrow due to the boats parked on the canal. With the addition of the marina, it will be very tight and will be an accident waiting to happen.

Bill Weistling noted that this will affect 40 properties that are on the adjoining canal and that the area projected for the marina is at the tightest spot. He added that the application states that there is no impact on neighbors but does not provide enough information or dimensions of the project.

Mayor Langan commented that he does not oppose the project but does have concerns and questions that need to be answered, in particular with the 6 slips proposed on the canal. Mary Ellen Langan agreed, adding that if it is going to increase boat traffic and there are possible safety issues that the Town needs more information.

Ray Fager noted that this project would increase the difficulty of navigating on the canal which could impact the value of residential properties. He also added that he has spoken to DNREC who notified him that the project would also include dredging on the east and west side of the proposed marina.

Bill Weistling noted the Town needs additional information than what was provided in the Siting & Design Conclusion.

A motion was made by Secretary Merritt, seconded by Vice Mayor Mais, to draft a letter of concern to DNREC for additional information on the project. The motion passed unanimously.

Mayor Langan asked Ray Fager if he received notification of the project. Ray Fager responded that he did not get the notice and only a few neighbors received it. Town Manager Tieman commented that those who did not receive a notice should contact DNREC directly.

Town Manager Tieman confirmed in the letter of concern to include clarification of the project (including dimensions), the use of public domain, documentation to support that this project will not affect neighboring properties, and noting that some property owners did not receive notices of the project.

Vice Mayor Mais asked what the next steps will be. Town Manager Tieman responded once the letter is submitted to DNREC, they will review our comments and then decide if they will hold a public hearing. All Council Members were in favor of the public hearing.

**Adjournment**

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to adjourn the meeting. The MOTION passed unanimously, and the meeting adjourned at 3:32 PM.

**SPECIAL MEETING OF THE TOWN COUNCIL  
JUNE 19, 2019 AT 4:45 PM**

**MINUTES**

**In Attendance**

Town Council Members:

Mayor Langan, Vice Mayor Mais, Treasurer Bunting, Secretary Merritt, Council Member Carmean, Council Member Lee, Council Member Williams

Staff in Attendance:

Town Manager Tieman, Town Clerk Martin

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Minutes

Mayor Langan called the meeting to order at 4:45 PM and asked Audrey Serio to present the candidates.

Audrey announced the six candidates for Town Council:

Mitchell Houser  
Eugene Langan  
Julie Lee  
Richard Mais  
William Weistling  
Roy Williams

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to accept the nominations. The MOTION passed unanimously.

The meeting adjourned to a closed Executive Session to discuss legal matters, then reconvened to an open session at 4:59 PM.

Adjournment

The meeting adjourned at 5:01 PM.

**SPECIAL MEETING OF THE TOWN COUNCIL  
JUNE 28, 2019 AT 1:00 PM**

**MINUTES**

**In Attendance**

Town Council Members:

Mayor Langan, Vice Mayor Mais, Treasurer Bunting, Secretary Merritt, Council Member Carmean, Council Member Lee, Council Member Williams

Staff in Attendance:

Town Manager Tieman, Finance Manager Gary, Town Clerk Martin

Also in Attendance:

Fred Pearson (Pearson's Appraisal Services)

Mayor Langan began the hearings at 1:00 PM, noting that the Council will decide their action on the appeal today.

**713 Bunting Avenue**

One of the owners of the property, Debbie Lundy, presented her request. She stated that she previously had spoken to Mr. Pearson on May 14<sup>th</sup>. He did make corrections to the building, but Ms. Lundy feels that the value of the land at \$2,000,000 is too high since the handicap dune crossing that is in front of her home has obstructed her view and devalues the land.

Mayor Langan questioned if Person's has every experienced something like this before. Mr. Pearson replied not this kind of situation. He added that it is at the judgment of the Town Council, but he does not see where the ramp hurts to land value.

Council Member Lee asked if Mr. Pearson went into the house. Mr. Pearson replied no.

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to discuss the revaluation of 713 Bunting Avenue.

Council Member Williams noted that he is leaning in favor of the property owner. Council Member Lee agreed, stating that she feels that the handicap ramp does diminish the property value.

Vice Mayor Mais questioned if the Town has heard if the handicap ramp will be relocated in the future. Town Manager Tieman replied that she is still waiting to hear back from DNREC.

Council Member Carmean commented that for properties that are near a crossover and have a parking lot, the parking lot and crossover does not decrease their property values, so she is inclined to let the assessment stand as is.

Council Member Williams noted that this is a special case since the ADA ramp was relocated and the house was built before the ramp was altered.

Council Member Carmean would like to hear the other appeals before deciding.

A MOTION was made by Secretary Merritt, seconded by Council Member Carmean, to table the decision. The MOTION passed unanimously.

### **37 W. Dagsboro Street**

The property owner, David Rosseau, began his appeal by asking if Mr. Pearson used the Uniform Standards of Professional Appraisal Manual when he did the revaluation. Mr. Pearson confirmed that he did use the latest version of the manual.

Mr. Rosseau wanted to confirm that the appraised value is ½ of the market value. Town Manager Tieman confirmed yes and noted that she already confirmed this with Mr. Rosseau over the phone.

Mr. Rosseau then read a letter he received from Treasurer Bunting on July 6, 2018 noting his 2018 value. Town Manager Tieman replied that the letter he received in 2018 was based on 1976 values, not 2019 values.

Mr. Rosseau then asked if one property is adjusted if it affects other property values. Mr. Pearson replied no.

Mr. Rosseau commented that if the roll-back rate is 91% then property values must have gone up 180%. Town Manager Tieman replied that although she does not have the percentage, the 1976 value was \$36,000,000 while the 2019 value is \$398,000,000.

Mr. Rosseau commented that the revaluation was not based on sales. Mr. Pearson noted that this statement was incorrect, adding that he made a judgement on value and construction then based the revaluation on home sales. Since Mr. Rosseau's home was built in 2018, he had an "A" grade home.

Mr. Rosseau then asked if his property value is the same as those directly on the bay. Mr. Pearson replied no, that Mr. Rosseau's land value is less.

Mr. Rosseau stated that he does not agree with his assessment since it went up over 6 times in less than a year. Mr. Pearson asked if Mr. Rosseau had his home appraised, and Mr. Rosseau replied no. Mr. Pearson suggested that any appraiser would be certified to give an honest assessment of Mr. Rosseau's property.

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to table the decision. The MOTION passed unanimously.

### **1107 Bunting Avenue**

The owner of the property, John Nason, began his appeal by stating that he disagrees with his property value since the last 2 ocean front homes that sold were \$2,400,000 and \$2,250,000.

Mr. Nason recently spoke to John Kleinstuber who agreed that the interior of Mr. Nason's home at 1107 Bunting Avenue should be valued less. Mr. Nason noted that everything in his house is the original (excluding the kitchen, deck, and roof), and his roof is currently leaking.

When the house was original built, Mr. Nason was able to walk directly out to the beach, but since the dune has been built up, he now has a limited view and the lack of view impacts the value of the property.

He compared his house to the Rayne house at 809 Bunting Avenue, which is similar in size. The improvement value of the Rayne home is \$288,000 while his is \$307,884. He also added that his lot should be \$1,900,000, not \$2,000,000, since he has an interior lot and the lots at the street ends are more valuable.

Mr. Pearson commented that it is up to the Town Council to decide since when the revaluation was done, there was only one ocean front property for sale to compare values to.

A MOTION was made by Council Member Carmean, seconded by Treasurer Bunting, to table the decision. The MOTION passed unanimously.

### **711 Bunting Avenue**

Christine Keisling, the owner of 711 Bunting Avenue, noted that she would never have bought her property if she new the handicap ramp would be directly in front of her house. When she purchased the home, the ADA ramp was on the side of her house and did not obstruct her view. Ms. Keisling added that the ramp was redesigned without any warning or input from the nearby property owners. The ramp devalues her property.

Mr. Pearson questioned if Ms. Keisling has spoken to a realtor in regards to the value of her property. Ms. Keisling responded that she has spoken to John Kleinstuber who was absolutely devastated but did not provide her a revised value estimate of her property. He did mention that with the ramp in front of her home that the property would now be comparable to one directly on the Ocean City boardwalk.

Mr. Pearson noted, as he had previously with the appeal at 713 Bunting Avenue, that he did not see the handicap ramp devaluing the property.

The decision on the appeal was tabled.

### **1601 Coastal Highway**

Reid Tingle presented his appeal by noting that his lot is double the valuation as others on Coastal Highway.

Mr. Pearson agreed, and will correct the error. He recommended that the Town Council approve an adjustment, along with the property at 1701 Coastal Highway whose value was also doubled in error.

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to approve the adjustment of the revaluation of Mr. Tingle's lot as well as an adjustment to 1701 Coastal Highway. The MOTION passed unanimously.

#### **4 W. Houston Street**

Gary Hunter, one of the owners of 4 W. Houston Street, proceeded with his appeal by stating that the property has been in his family since 1939. He had an appraisal completed in 2018 which valued the property at \$442,000.

Mr. Hunter was unsure why Pearson's graded his house as a "B" grade, since "B" means above average. The house is the original, with little to no repairs since 1973. He does not think it is above average since it sits on concrete block, not an actual foundation, and the concrete blocks have several cracks. The house has its original appliances and windows. If anything, the home should be rated below average, or a "D" grade, due to deterioration and depreciation.

Mr. Hunter stated that he spoke to Pearson's who stated that the values were based on comparable market sales. When he asked how the comps are adjusted, he received no answer from Pearson's. Since the actual building is over 2/3 of the property, he should have received a comp for the land value.

Mr. Hunter noted that the property is approximately 205 feet from Coastal Highway. He is also near the commercial district, including Warren's Station and Jimmy's Kitchen, where he can smell the grease from both restaurants.

Mr. Hunter commented that he continually has runoff from the property next door and his land is constantly wet and his property feels like "walking on a sponge".

Mr. Hunter also commented that to be fair, the Town should have hired a local appraiser who is familiar with the area, not an out-of-town appraiser.

Mr. Pearson questioned why Mr. Hunter had an appraisal done in 2018. Mr. Hunter replied it was done for the estate. Mr. Pearson requested a copy of the appraisal so he could review.

Mr. Pearson also commented that there were no "D" grade homes in Town and no interior inspections were completed of any of the homes. Mr. Hunter asked how his home then could be rated above average if the interior was not looked at. Mayor Langan replied that Mr. Pearson made his decision based upon his 40 years of experience.

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to deny the appeal request of 4 W. Houston Street.

Council Member Lee commented that the motion should be deferred until Mr. Pearson receives the copy of the 2018 appraisal that Mr. Hunter will be sending in.

A revised MOTION was made by Council Member Lee, seconded by Council Member Carmean, to defer the decision until after the appraisal is received. The MOTION passed unanimously.

### **Action on Appeals**

#### **711 Bunting Avenue and 713 Bunting Avenue**

A MOTION was made by Secretary Merritt, seconded by Treasurer Bunting, to defer both properties until additional information is received from Mr. Pearson.

Council Member Carmean commented that she is sorry to see what DNREC has done but feels that the Council needs more information to decide.

Mr. Pearson stated that he spoke to John Kleinstuber who commented that he feels that some buyers would have a problem with the ramp while other buyers would not, but Mr. Kleinstuber did note that the properties could each have a 5-10% adjustment.

The MOTION to defer both properties until more information is received passed unanimously.

#### **37 W. Dagsboro Street**

Council Member Carmean commented that she thinks the owner is confused from 2018 to now and she feels the assessment is fair.

Mr. Pearson noted that when he spoke to Mr. Rosseau, he stated that the house cost him \$975,000 to build.

A MOTION was made by Council Member Lee, seconded by Council Member Carmean, to deny the appeal for 37 W. Dagsboro Street. The MOTION passed unanimously.

#### **1107 Bunting Avenue**

Council Member Carmean commented that she feels the property value is worth as stated.

Council Member Lee noted that the Rayne house, which is a newer home, has a lower value and sits in the middle of the block. Town Manager Tieman confirmed that 1107 is valued around \$308,000 while the Rayne property is valued around \$288,000.

A MOTION was made by Treasurer Bunting, seconded by Council Member Carmean, to deny the appeal of 1107 Bunting Avenue and keep the assessment as stated. The MOTION passed unanimously.

### **Review**

A MOTION was made by Secretary Merritt, seconded by Vice Mayor Mais, that after the last appeal there will be no additional appeals. The MOTION passed unanimously.

713 Bunting Avenue, as well as 711 Bunting Avenue, will be reviewed again by Mr. Pearson and will be decided on by the Town Council at a later date.

37 W. Dagsboro Street was denied his appeal.

1107 Bunting Avenue was denied his appeal.

1601 Coastal Highway (along with 1701 Coastal Highway) will be adjusted since the property value was determined too high.

4 W. Houston Street will be reviewed again by Mr. Pearson, upon the receipt of the appraisal from the owner, and will be decided on by the Town Council at a later date.

**Adjournment**

A MOTION was made by Vice Mayor Mais, seconded by Treasurer Bunting, to adjourn the meeting. The MOTION passed unanimously, and the meeting adjourned at 3:14 PM.

**REGULAR MEETING OF THE TOWN COUNCIL  
JUNE 28, 2019**

**MINUTES**

**In Attendance**

Town Council Members:

Mayor Langan, Vice Mayor Mais, Treasurer Bunting, Secretary Merritt, Council Member Carmean, Council Member Lee, Council Member Williams

Staff in Attendance:

Town Manager Tieman, Building Official Schuchman, Chief Boyden, Public Works Manager Locke, Beach Patrol Captain Rykaczewski, Finance Manager Gary, Town Clerk Martin

Mayor Langan began the meeting at 3:30 PM.

**President's Report**

Seismic testing and offshore drilling are still on hold.

Signed recently into law, there will be a ban on single use plastic bag usage effective in 2021.

At the ACT (Association of Coastal Towns) Meeting in June, Todd Lawson stated that the County is considering implementing a 3% gross receipt tax on properties and hotels, and the money raised from the tax would go towards funding for beach replenishment.

**For Discussion and Possible Action**

Resolution #97-2019 – FY 2019/2020 Property Tax Rate

Town Manager Tieman read Resolution #97-2019.

A MOTION was made by Council Member Carmean, seconded by Council Member Lee, to adopt Resolution #97-2019. The MOTION passed unanimously.

Resolution #98-2019 – FY 2019/2020 Fee Schedule

Town Manager Tieman read Resolution #98-2019. She noted that per the Budget Committee approval, the fee for bonfires will go from \$75 to \$100 effective January 1, 2020.

A MOTION was made by Treasurer Bunting, seconded by Council Member Carmean, to approve Resolution #98-2019. The MOTION passed unanimously.

Council Member Lee questioned about revisiting the parking hours. Town Manager Tieman replied that per the Budget Committee, extending the parking hours will be reviewed next year.

Resolution #99-2019 – FY 2019/2020 Operating & Capital Improvement Budget

Town Manager Tieman read Resolution #99-2019.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to accept the FY 2020 Operating & Capital Improvement Budget. The MOTION passed unanimously.

Town Hall "By Permit Only" on Weekends & Holidays

Town Manager Tieman read the proposal to require parking permits on weekends and holidays at the Town Hall parking lot.

A MOTION was made by Vice Mayor Mais, seconded by Secretary Merritt, to approve the requirement of parking permits for the Town Hall parking lot on weekends and holidays.

Council Member Williams commented that he is concerned about the space for 1-hour parking near the park and if enough spaces are available for people visiting the park.

Council Member Carmean noted that she is concerned about the \$700 required for signage. Town Manager Tieman replied that the signage will be paid for by the parking permit fees to be taken in.

The MOTION passed unanimously.

Pursue Hiring a Lobbyist for Sidewalk Project

Council Member Carmean noted at the last Pedestrian Safety Committee Meeting, several options were discussed that are available to fund the sidewalk project. Although the Town is hoping to get money from the bond bill, if no money is received another option presented was to hire a lobbyist to obtain support for sidewalks.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, for the Town to hire a lobbyist. The MOTION passed unanimously.

Appointment of an Alternate to the Board of Elections

Mayor Langan nominated Sally Craig as an alternate to the Board of Elections.

A MOTION was made by Vice Mayor Mais, seconded by Secretary Merritt, to approve Sally Craig as an alternate to the Board of Elections. The MOTION passed unanimously.

Voter Roll List

Town Manager Tieman presented the Voter Roll List with deletions to the voter registration records.

Council Member Carmean amended the list by adding William Horner, who has recently passed away.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to approve the amended list with the additional name. The MOTION passed unanimously.

### **Approval of Minutes**

A MOTION was made by Council Member Carmean, seconded by Treasurer Bunting, to accept the minutes from the May 3, 2019 Public Hearing. The MOTION passed unanimously.

A MOTION was made by Secretary Merritt, seconded by Vice Mayor Mais, to accept the minutes from the May 3, 2019 Regular Council Meeting.

Council Member Carmean noted that on page 2, under the Extension of Parking Hours discussion, "extensive hour" should be "extended hours".

The MOTION to accept the minutes as revised passed unanimously.

### **Treasurer's Report**

Treasurer Bunting presented the reports for periods ending April 30, 2019 and May 31, 2019. He commented that the Town should be able to make budget and the Town is in good financial position. Also, the Town received additional RTT funds over the last two months.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to accept the Treasurer's Report. The MOTION passed unanimously.

Council Member Williams questioned if the money from the Sands permit has already been distributed. Treasurer Bunting responded that it will be distributed at the end of the current fiscal year. Town Manager Tieman added that the permit money will be divided evenly between dredging and sidewalks, while beginning in the new fiscal year, RTT money received will be divided evenly between beach replenishment, dredging, and sidewalk projects.

### **Town Manager's Report**

Town Manager Tieman submitted her report.

She introduced Mike Locke, the new Public Works Manager, and "Ryk" Rykaczewski, the new Beach Patrol Captain.

### **Department Reports**

#### **Building**

Building Official Schuchman submitted her report. In addition to her report, 18 business licenses were issued in May.

#### **Public Works**

Public Works Manager Locke submitted his report.

#### **Beach Patrol**

Beach Patrol Captain Rykaczewski submitted his report. He added that there are 14 returning guards and 14 new guards this season.

### Police Department

Chief Boyden submitted the Police Department Report. He noted that on the report the increase in traffic citations was due to securing traffic safety grants while the increase in assisting other agencies was due to the officers assisting South Bethany.

The Fenwick Island Police Department is still assisting in the search for the lady missing from Bethany Beach.

### **Committee Reports**

#### Beach

Becca McWilliams reported that the Town Bonfire is scheduled for Saturday, July 6<sup>th</sup> from 7:00 PM-11:00 PM. Proceeds from the Bonfire will go towards the lifeguard competition to be held this year in Virginia Beach.

#### Business Development

No report.

#### Dredging

Secretary Merritt commented that he is working with the Freeman Foundation who have agreed to take the dredge material. The Town is ready to proceed with the RFP (Request for Proposal) to obtain a dredging company. He added that the Town is still looking for funding sources for dredging.

#### Environmental

Mary Ellen Langan reported that the Committee is currently working on the sustainability grant.

#### Finance

No report.

#### Pedestrian Safety

Council Member Carmean reported that the Town is currently working with Representative Gray on the bond bill. The next meeting will be held on July 9<sup>th</sup> at 9:30 AM.

#### Planning

Town Manager Tieman noted that the next Planning Commission Meeting will be held on July 9<sup>th</sup> at 1:00 PM. The Commission will be working on the Comprehensive Plan Annual Report.

#### Technology

Mayor Langan highlighted that the Town has 845 Twitter followers, 4,809 Facebook page likes, and the website had 34,339 unique visitors over the last year, with 2,942 users just in May.

The Town is also now on Instagram, with 343 followers.

132 transactions have been processed through ParkMobile since it started in Town at the end of May.

## Charter & Ordinance

### Proposed Second Reading of Chapter 61-1 (Building and Utility Construction)

A MOTION was made by Vice Mayor Mais, seconded to Council Member Carmean, for the second reading of Chapter 61-1 to be included in the minutes (copy attached).

Building Official Schuchman noted that this is a new ordinance that will require permits for temporary PODs and dumpsters. The permit will be valid for up to 6 months only.

Vote to adopt the second reading:

Vice Mayor Mais – yes; Council Member Lee – yes; Secretary Merritt – yes; Mayor Langan – yes; Treasurer Bunting – yes; Council Member Carmean – yes; Council Member Williams – yes.

The MOTION to adopt the second reading of Chapter 61-1 passed unanimously.

## **Old Business**

None.

## **New Business**

Council Member Lee commented that at the Budget Committee Meeting, items were discussed that were to be referred to the Finance Committee for review. Vice Mayor Mais agreed to have the items addressed at a Finance Committee Meeting.

Council Member Williams noted that someone approached him on how to use ParkMobile since there is nothing on the app that states that parking is on white line areas only. Town Manager Tieman will request ParkMobile to add white line areas only to the app. Chief Boyden stated that if it is not on the app, the parking permit brochure along with the Town website both list parking on white line areas only.

## **Upcoming Events and Meetings**

Mayor Langan confirmed the upcoming events and meetings as stated on the agenda.

## **Public Participation**

Nadia Butler, 7 W. Essex Street

Ms. Butler questioned if “yield to pedestrians” is enforceable in Town. Chief Boyden responded that Delaware law requires motorists to yield to pedestrians in a marked crosswalk.

As for the Ad Hoc Commercial District Planning Committee, Ms. Butler asked if the Committee has a charter. Town Manager Tieman replied no, that committees do not require charters.

Ms. Butler asked about the number of registered voters. Town Clerk Martin replied currently around 680, but several applications have been received today that have not been logged in.

## **Adjournment**

A MOTION was made by Vice Mayor Mais, seconded by Treasurer Bunting, to adjourn the meeting. The MOTION passed unanimously and the meeting adjourned at 4:13 PM.